

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

3781. Adulteration and misbranding of Erbacidin tablets. U. S. v. 493 Vials.
(F. D. C. No. 29328. Sample No. 38865-K.)

LABEL FILED: May 18, 1950, District of Puerto Rico.

ALLEGED SHIPMENT: On or about January 31, 1950, by Carlo Erba, Inc., from New York, N. Y.

PRODUCT: 493 vials of *Erbacidin tablets* at San Juan, P. R. Analysis showed that a part of the acetylsalicylic acid in the tablets had undergone decomposition to form salicylic and acetic acids. Some of the tablets contained materially less than the declared amount of acetylsalicylic acid, and some of the tablets were broken and disintegrated.

LABEL, IN PART: (Vial) "25 Tablets Erbacidin Each Erbacidin tablet Contains: Pyranisamine maleate * * * Acetylsalicylic acid. 0.1770 Gm."

NATURE OF CHARGE: Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

Adulteration, Section 501 (a) (1), the article consisted in part of a decomposed substance; and, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, "Acetylsalicylic acid . . . 0.1770 Gm." Misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of the active ingredient, namely, salicylic acid. The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

Further misbranding, Section 502 (e) (2), the label of the article failed to bear the common or usual name of the active ingredient, namely, aspirin. The article was misbranded in this respect when introduced into and while in interstate commerce.

DISPOSITION: July 14, 1950. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3782. Misbranding of dextro-amphetamine sulfate tablets, racemic amphetamine sulfate tablets, Seconal Sodium capsules, thyroid tablets, and diethylstilbestrol tablets. U. S. v. Allen Pearman (Pearman's Drug Store). Plea of guilty. Fine of \$750, plus costs. (F. D. C. No. 31306. Sample Nos. 31167-L, 31168-L, 31285-L, 31290-L, 31936-L, 31937-L.)

INFORMATION FILED: February 27, 1952, Eastern District of Illinois, against H. Allen Pearman, trading as Pearman's Drug Store, Paris, Ill.

ALLEGED SHIPMENT: On or about May 8 and 9 and June 5, 1951, while a number of *dextro-amphetamine sulfate tablets, racemic amphetamine sulfate tablets, Seconal Sodium capsules, thyroid tablets, and diethylstilbestrol tablets* were being held for sale at Pearman's Drug Store after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the